
Table of Contents

Indonesia frees four accused over 1999 East Timor massacres	1
Regional anti-terror meeting	2
US Govt spying on its people, according to ACLU.....	2
Senator Kennedy ‘grounded’ due to terrorist ‘watch list’ mix-ups.....	2
UN official cancels visit.....	3
ACLU analyses CL in 11 Sept report ..	3
Privacy rights in 11 languages	3
HREOC’s contact details	3
ACT Liberals plan to repeal Human Rights Act	4
ACT Labor plans to merge all ‘watchdog’ roles.....	4
Man freed on DNA evidence after serving 22 years in error	4
ACCC chair sings praises of whistleblowers	4
Brits top the table for the most-watched nation	5
HR under threat because war declared on ‘terrorism’	5
60 phone taps a week granted in Australia in 2002-3	5
JOHN SHAW DIES.....	5

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– from NY Times, 07 Aug 2004

**Indonesia frees four accused over
1999 East Timor massacres**

From a report by EVELYN RUSLI

JAKARTA — An Indonesian appeals court has quashed convictions of three army officers and a policeman for crimes against humanity in the 1999 East Timor massacre where about 1,500 people died.

The court also halved to five years the prison sentence of Eurico Guterres, leader of paramilitary gangs organised by the Indonesian Army to suppress East Timor's independence movement.

The decisions appear to end proceedings against 16 security officers and 2 civilians indicted by an Indonesian human rights tribunal.

Overall, four sentences were overturned and one reduced. Twelve other people were acquitted.

Only East Timor's former governor, Abílio José Soares, is serving a prison sentence (three years). He began serving the sentence in July 2004.

Human rights and official investigators in both Indonesia and East Timor say the Indonesian military organized, supplied and commanded Timorese militias to try to derail the vote on independence conducted by the UN.

They destroyed most of East Timor's buildings, and forced about 250,000 of a population of 800,000 into militia-controlled camps in Indonesian West Timor.

The NY Times quotes Sam Zarifi, deputy director of the Asian Department for Human Rights Watch: "For the enormity of everything that happened in East Timor, it's just a tragedy that it seems like that there will be no accountability for any of the people responsible."

The overturned convictions in particular had profound ramifications.

"Because all the Indonesians are acquitted and only convictions of two ethnic East Timorese stand, Indonesia can perpetuate the fiction that the violence was only East Timorese against East Timorese," Mr Zarifi said.

He is also reported to have taken the UN to task, saying the tribunal "was created under UN Security Council auspices, but now the UN has let this whole process fall apart".

Among the convictions overturned was that of Major General Adam Damiri, the highest-ranking military official to face trial over East Timor.

He had been convicted of failing to control subordinates in a September 1999 case in which at least 15 people died in a religious headquarters in the capital, Dili.

Brigadier General M. Noer Muis, an East Timor military commander, had been convicted of the killings of at least a dozen Catholics in the city of Suai.

Lieutenant Colonel Sujarwo, the Dili military commander, was convicted in the attack on the religious HQ.

The former Dili police chief, Colonel Hulman Goeltom, was convicted over an attack on the home of a family, sheltering refugees, in which at least 12 people died. Mr. Guterres was also convicted in that case.

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- from UN Assn of Australia e-newsletter No 392, 05 Aug 2004

Regional anti-terror meeting

Australia hosted a group of international legal experts in Canberra on 4-5 August, the first meeting for the Legal Issues Working Group which was established at the Regional Ministerial Meeting on Counter-Terrorism, co-chaired by Australia and Indonesia in February in Bali.

The legal experts considered what more could be done in the region to strengthen anti-terrorism laws, in keeping with international legal obligations, and cooperative arrangements for gathering evidence and extraditing terrorist suspects.

Indonesia was due to host a parallel working group meeting on law enforcement issues in mid-August as further follow-up to the Bali Ministerial Meeting.

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- from ACLU email, 16 August 2005

US Govt spying on its people, according to ACLU

"The privacy-stealing provisions of the USA Patriot Act are just one example of how the (US) government is gaining access to the most private details of our lives," according to executive director of the American Civil Liberties Union (ACLU), Anthony D. Romero.

"It gives the government the right to break into your home without showing probable cause and to spy on the books you read, the Internet sites you visit and the credit card purchases you make – without you even knowing."

Romero was appealing to his members for \$100,000 to run a TV advertising campaign against the provisions.

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- from the NY Times, 20 August 2004

Senator Kennedy 'grounded' due to terrorist 'watch list' mix-ups

WASHINGTON, 19 August – US Senator Edward M. Kennedy, a Democrat from the State of Massachusetts, was temporarily stopped from boarding planes five times in March and early April because his name is similar to an alias used by a suspected terrorist barred from flying on airlines in the USA.

Rachel Swarns, reporting in the *New York Times*, said airline agents had acted as if they had stumbled across a fanatic who might blow up a plane, instead of one of the best-known politicians in America.

Mr. Kennedy said the agent refused to give him his ticket.

"He said, '*We can't give it to you*,'" Mr. Kennedy said, describing an encounter with an airline agent to a Senate judicial hearing audience. "*You can't buy a ticket to go on the airline to Boston.*'

"I said, 'Well, why not?'

"He said, '*We can't tell you.*'"

"Tried to get on a plane back to Washington," Mr. Kennedy continued. "*You can't get on the plane.*'"

"I went up to the desk and said, 'I've been getting on this plane, you know, for 42 years. Why can't I get on the plane?'"

Eventually, the problem was sorted out for Mr Kennedy, because of his fame.

But he, like the American Civil Liberties Union, expressed concern for

ordinary citizens caught up in the new, secret, 'terrorist watch lists' being continually added to by arms of government and even by private sector firms, such as airlines.

It might be the time to bring some air and light to the existence of similar lists in Australia, and to question how they are being administered.

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UN official cancels visit

The visit to Australia by acting Security Coordinator for the UN, Ms Catherine Bertini, was cancelled due to a heightened security threat in the US. She was to have addressed a UNAA (Vic) meeting scheduled for August 12.

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ACLU analyses CL in 11 Sept report

"If we've learned anything from the Patriot Act, it's that reform needs to follow the Constitution to keep America strong," said Anthony D. Romero, ACLU executive director, in response to the report of the 9/11 Commission.

"We need to make sure that happens with the 9/11 report, which should be commended for its attention to personal freedoms but should not be adopted blindly," Romero said.

The American Civil Liberties Union (ACLU) is particularly concerned with the report's proposal to vest managerial control over the intelligence community in one White House 'czar'.

Having one person in charge of both domestic and foreign intelligence-gathering could result in the greater use of espionage against American citizens on American soil, ACLU believes.

Despite its objections to the proposed national intelligence director position, the ACLU commended some of the report's findings on the Patriot Act.

"Regarding civil liberties, the 9/11 Commission report essentially says that the Justice Department and White

House have not made a compelling case for either the Administration's obsession with secrecy or the Patriot Act," Romero said.

"This bipartisan report should serve as a wake-up call for Congress that it must maintain the sunsets (automatic end dates) in the Patriot Act."

The analysis is online at:

<http://www.aclu.org/SafeandFree/SafeandFree.cfm?orgid=n&ID=16204&c=206&MX=1439&H=0>

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Privacy rights in 11 languages

Information about privacy rights is now available on the Office of the Federal Privacy Commissioner's website in 11 different languages.

Federal Privacy Commissioner Karen Curtis says the multilingual web pages are available in Arabic, Chinese, Greek, Italian, Korean, Russian, Serbian, Spanish, Thai, Turkish and Vietnamese. The site answers questions such as 'How do I find out about my privacy rights? How do I make a complaint? How do I organise an interpreter to speak with a representative of the Office?'

Non-English speakers can now submit an e-mail in their preferred language to organise to speak by phone with a representative of the Office and an interpreter.

The multilingual web site can be accessed from the Office of the Federal Privacy Commissioner's home page at:

www.privacy.gov.au/privacy_rights/languages/

For more information about Privacy issues contact the Office of the Federal Privacy Commissioner on website: www.privacy.gov.au or by e-mail at: privacy@privacy.gov.au

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HREOC's contact details

The Human Rights and Equal Opportunity Commission is now located at:

Level 8, Piccadilly Tower, 133
Castlereagh Street
SYDNEY NSW 2000
Postal Address: GPO Box 5218,
SYDNEY NSW 2001
General Enquiries:(02) 9284 9600
Complaints Infoline: 1300 656 419
To Order Publications: 1300 369
711Facsimile: (02) 9284 9611
E-mail Contacts:
General Enquiries:
paffairs@humanrights.gov.au
Complaints Information:
complaintsinfo@humanrights.gov.au
To Order Publications:
publications@humanrights.gov.au
Contacting the Web Manager:
webfeedback@humanrights.gov.au
Human Rights Education:
education@humanrights.gov.au

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**ACT Liberals plan to repeal
Human Rights Act**

The ACT Liberal Party would repeal the just-legislated HR Act if elected in the coming ACT poll, the party's justice policy says.

The Liberals also plan to introduce majority verdicts (10-12) in cases where juries had not reached a verdict after six hours.

They also plan to revoke provisions enabling same sex adoption, industrial manslaughter charges and union right of entry into the workplace.

The proposals appear to take the ACT rapidly into the past.

**ACT Labor plans to merge all
'watchdog' roles**

Chief Minister John Stanhope is planning to merge human rights, health, discrimination, disability and community service watchdogs into one single body.

The new body would be the Human Rights and Service Review Commission, headed by a person

called the Community Services Commission.

Society's 'supremo' would have to be a Superman – or, more likely, Superwoman – to cope with all the disparate problems produced by the fringes of our community.

Politicians are always trying to evade their responsibilities – this appears to be another case of trying to sweep all the difficult detritus under a 'Commission' carpet.

– Bill Rowlings

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**Man freed on DNA evidence after
serving 22 years in error**

After 22 years in jail, Arthur Lee Whitfield, 49, was set free in Norfolk, Virginia, USA, in August after new DNA testing.

He was convicted in 1982 of two rapes, and sentenced to 63 years jail.

Recent testing of stored DNA samples identified the true criminal as a man already serving a life sentence for an unrelated rape.

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– from Canberra Times 24 Aug 2004

**ACCC chair sings praises of
whistleblowers**

Chairman of the Australian Competition and Consumer Commission (ACCC), Graeme Samuel, came out strongly in praise of whistleblowers in a recent article in the *Canberra Times*.

Dangling the hook of an easy ride for anyone blowing the whistle on anti-competitive practices, he said: "With the leniency policy, if you are first in the door to tell the ACCC about the cartel then we will give you a guaranteed path of leniency."

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